



STATE OF VERMONT
Vermont Department of Education
120 State Street
Montpelier, VT 05620

MEMORANDUM

TO: Vermont Superintendents, Principals and Headmasters

FROM: Richard H. Cate, Commissioner

DATE: January 24, 2006

RE: **School Self-Check: Implementing Harassment Policies and Bullying Prevention Plans**

On August 3, 2004, I distributed the Act 91 [Model Harassment Policy](#) and on December 17, 2004, I distributed the Act 117 [Model Bullying Prevention Plan](#). This new memo is intended as a “school self check” to help schools review implementation of these two important legal mandates. Items below highlight key responsibilities but do not represent a comprehensive list of *all* school district responsibilities. For more extensive information, refer to the noted documents and applicable state and federal law.

Prevention and Response to Harassment in Vermont Schools

Has your school district done the following?

- ___ Updated Harassment Policy, adopted after July 1, 2004, with implementing procedures. See [Model Harassment Policy](#).
- ___ Provided all students, parents and staff with notice of the Harassment Policy prior to the commencement of curricular and co-curricular activities for each school year. See [16 V.S.A. §565\(d\)](#).
- ___ Identified two or more Designated Employees to receive harassment complaints with phone numbers publicized for students, parents, staff and others.¹ See [16 V.S.A. §565\(c\)\(1\)](#) or pages 2 and 6 of the [Model Harassment Policy](#).
- ___ Provided training for the school community to help prevent, identify and respond to harassment incidents. See page 4 of the [Model Harassment Policy](#) and the [Safe and Healthy Schools](#) Web page.

¹ Best practice suggests designation of one male and one female, and that there be a third person designated outside the school building (district or supervisory union level).

- ____ Provided the parents of the complainant and accused individual, or students over the age of 18, with a copy of the Harassment Policy when the complaint is filed. *See* page 7 of the [Model Harassment Policy](#).
- ____ Protected the confidentiality of the accused individual, the complainant, and any other students throughout the process. When appropriate, explored the option of a FERPA waiver. *See* pages 3 and 9 of the [Model Harassment Policy](#). *See also* [FERPA, 20 U.S.C. §1232g; 34 C.F.R. Part 99](#).
- ____ Familiarized staff with the option to request an independent review. This option can be elected by either the school district or the complainant. *See* pages 3 and 8 of the [Model Harassment Policy](#). *See also* [Commissioner's Memo on Independent Review](#); [Independent Review Brochure](#).
- ____ When conducting an investigation, has the investigator considered all the facts and surrounding circumstances in light of the harassment definition to determine whether harassment occurred? *See* pages 1 and 7 of the [Model Harassment Policy](#). *See also* OCR documents [Complaint Investigation: The Basics](#); [Investigating Complaints: Implementing the Harassment Investigation](#); [Revised Sexual Harassment Guidance](#); and [Identifying and Responding to Incidents of Harassment](#). **Important:** the OCR documents are for reference only; to the extent Vermont law exceeds the federal requirements, the more extensive Vermont law requirements must be met. *Upcoming training:* [Safe and Healthy Schools](#) Web page.
- ____ If substantiated, taken prompt and appropriate remedial action that is reasonably calculated to stop the harassment. *See* pages 2-3 and pages 7-9 of the [Model Harassment Policy](#).

Prevention and Response to Bullying in Vermont Schools

Has your school district done the following?

- ____ Updated School Discipline Plan that includes a Bullying Prevention Plan developed after July 1, 2004. *See* [Model Bullying Prevention Plan](#). *See also* [Act 117](#) and [16 V.S.A. §1161a](#).
- ____ Provided training for the school community to help prevent, identify, and respond to incidents of bullying. *See* Appendix A of the [Model Bullying Prevention Plan](#). *See also* [Safe and Healthy Schools](#) Web page.
- ____ Developed methods for students to personally or anonymously (e.g., drop box) report incidents of bullying. *See* page 1 of the [Model Bullying Prevention Plan](#).
- ____ Notified students, parents, teachers and others of the person designated to accept and review bullying reports. *See* page 2 of the [Model Bullying Prevention Plan](#).

If you have any questions about the information provided, please contact Mia Karvonides, legal counsel at the department, at 828-5106 or Doug Dows, Safe and Healthy Schools director, at 828-5109. Thank you for your hard work and commitment to providing a safe and supportive school environment for all Vermont students.